

## PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : NODA et al.  
:   
FOR : **OPTICAL ELEMENT FIXING  
STRUCTURE, OPTICAL ELEMENT  
FIXING BODY, OPTICAL ELEMENT,  
AND OPTICAL ELEMENT HOLDER**  
:   
SERIAL NO. : To be assigned  
FILED : Herewith  
ATTORNEY DOCKET NO. : **TOMI 200008**

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. §§ 1.56, 1.97, 1.98 and MPEP § 609, applicant(s) submit(s) the following Disclosure Statement concerning art of which the applicant(s) is (are) aware. A copy of PTO-1449 is enclosed herewith.

This Information Disclosure Statement shall not be construed to be an admission that any information referred to herein or submitted herewith is "prior art" or is considered to be material to patentability for this invention.

The United States Patent and Trademark Office OG Notice dated 12 October 2004 published a final rule revising 37 C.F.R. 1.98 dealing with the content of Disclosure Statements. Paragraph (a)(2) was revised to read in part, "A legible copy of: (i) Each foreign patent; (ii) Each publication or that portion which caused it to be listed, other than U.S. patents and U.S. patent application publications unless required by the Office." Therefore, Applicant(s) has (have) not enclosed copies of the cited U.S. patents and published patent applications with this Information Disclosure Statement.

In accordance with 37 C.F.R. §1.97(g) and (h), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. §1.56(b) exists.

☒ Under § 1.98(a)(3), a concise explanation of relevance is required for information that is not in the English language. Accordingly, the English language documents have no further explanation.

☒ All of the cited and/or included documents were cited by the Japanese Patent Office in a related application(s). A copy of the International Search Report is enclosed.

Consideration of the appropriate paragraph(s) indicated below is respectfully requested:

☒ **WITHIN THREE MONTHS OF FILING:** Under § 1.97(b)(1), this Information Disclosure Statement is being filed within three months of the filing date of the application (or date of entry of the national stage). Although it is believed no fee is necessary, any deficiency in fees should be charged to Deposit Account No. 06-0308.

☐ **BEFORE FIRST OFFICE ACTION:** Under § 1.97(b)(3), this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. Although it is believed no fee is necessary, any deficiency in fees should be charged to Deposit Account No. 06-0308.

☐ **BEFORE FINAL ACTION, OR NOTICE OF ALLOWANCE, OR ACTION THAT CLOSES PROSECUTION/WITH STATEMENT:** Under § 1.97(c)(1), this information shall be considered if filed before the mailing date of a final action, or a Notice of Allowance or action that otherwise closes prosecution in the application if accompanied by the statement:

Under § 1.97(e)(1), the undersigned states:

☐ A. that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement; or

☐ B. that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

☐ BEFORE FINAL ACTION, OR NOTICE OF ALLOWANCE, OR ACTION THAT CLOSSES PROSECUTION/WITH FEE: Under § 1.97(c)(2), this information shall be considered if filed before the mailing date of a final action if accompanied by a fee in the amount of \$180.00 as required by §1.17(p). Accordingly, the necessary fee accompanies this Information Disclosure Statement. Any overpayment or deficiency should be charged to Deposit Account No. 06-0308.

It is respectfully requested that the attached document(s) be considered and officially cited in examination of this application.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH & McKEE, LLP

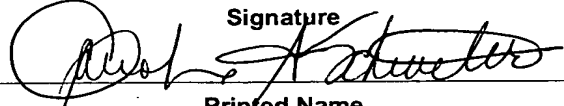
May 19, 2005  
Date

  
Richard J. Minnich  
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216/861-5582

#### CERTIFICATE OF MAILING

I certify that this Information Disclosure Statement and accompanying document(s) are being

- ☐ deposited with the United States Postal Service as First Class mail under 37 C.F.R. 1.8, addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
- ☐ transmitted to facsimile number under 37 C.F.R. 1.8 on the date indicated below.
- ☒ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to: Mail Stop Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Label No.: EV 494996733 US	Signature 
May 19, 2005 Date	Printed Name Caroline A. Schweter

Substitute for Form 1449/PTO

COMPLETE IF ☐ Y ☐ N**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT(S)**

(Use as many sheets as necessary)

Application Number	To be assigned
Filing Date	Herewith
First Named Inventor	NODA et al.
Art Unit	To be assigned
Examiner Name	To be assigned

10/535578

Sheet 1 of 1

Attorney Docket No. TOMI 200008

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No.	Document No. Number-Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	AA	US-6,043,863	03/28/2000	Nikon Corp.
	AB	US-		
	AC	US-		
	AD	US-		
	AE	US-		
	AF	US-		
	AG	US-		

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No.	Foreign Patent Document Country Code-Number Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T
	AH	WO 92/20001	11/12/1992	Eastman Kodak Co.	
	AI	JP 09-049899	02/18/1997	Rigaku Denki Kabushiki Kaisha	✓
	AJ	JP 11-14877	05/08/1989	Shimadzu Corp.	✓
	AK	JP 64-081613	03/27/1989	Yoko	✓
	AL	JP 63 006523	01/12/1988	Toshihito et al.	✓
	AM	JP 58-039069	03/07/1983	Shimadzu Corp.	✓
	AN	JP 56-091204	07/24/1981	Shigefumi	✓
	AO				
	AP				

**OTHER - NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume/issue number(s), publisher, city and/or country where published	T
	AQ	International Search Report corresponding to PCT/JP03/16134	
	AR		
	AS		
	AT		
	AU		
	AV		

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Considered